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## STANDARDS PROPOSED BY UNITED STATES COMMISSION ON UNIFORM LAWS

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I desire to thank the National Child Labor Committee for the great assistance rendered in the preparation of the law we reported to the Conference of Commissioners on Uniform State Laws at its last annual meeting in Chattanooga in August, 1910, which law will come before the conference for discussion and adoption at its next annual meeting in Boston in August, 1911.

The Conference of Commissioners on Uniform State Laws is an organization of lawyers, appointed by the governors of the several states for a term of years, to meet together annually for the purpose of considering and recommending to the legislatures of the several states forms of bills or measures to bring about uniformity of laws on certain subjects, one of which is the subject of child labor.

The subject of uniform state legislation was first agitated by the American Bar Association about thirty years ago, when its Committees on Jurisprudence and Law Reform and Judicial Administration recommended the passage, by the legislatures of the several states, of various uniform acts. This led in 1889 to the creation by the American Bar Association of a Committee on Uniform State Laws, consisting of one member from each state. About that time several of the more progressive and commercial states appointed Commissioners on Uniform State Laws, and invited the other states to do likewise. This was done, and a meeting called at the same time and place of the annual meeting of the American Bar Association. Since that time that Association has regularly appointed on its Committee on "Uniform State Laws" the Commissioners from the several states, who were members of that Association; and so, the action of the Commissioners and Committee, being one and

the same, means much for such measures as receive their unanimous approval, which we hope to have for the "Uniform Child Labor Law."

As evidence of the value of the approval and recommendation of the American Bar Association and the Commissioners on Uniform State Laws, I cite you the result in the following instances:

Uniform Negotiable Instruments Law, adopted in thirty-eight states.

Uniform Warehouse Receipt Law, adopted in more than twenty states.

Uniform Sales Law; Uniform Stock Transfer Law, and Uniform Bills of Lading Law, adopted in many of the states.

The Special Committee on "A Uniform Child Labor Law" was appointed at the annual conference at Detroit, in August, 1909, and immediately organized by electing Hon. Hollis R. Bailey, of Cambridge, Mass., chairman, and Hon. Amasa M. Eaton, of Providence, R. I., secretary; and began at once to consider this subject.

The committee met again in Washington, D. C., in January, 1910, in connection with a conference arranged by the National Civic Federation, and there held several well attended public hearings.

At this Washington meeting the philanthropist, manufacturer, representatives of the National Child Labor Committee, the Southern Child Labor Committee, National Consumers' League, and many others presented their views to the committee, which after duly considering the subject, adopted the Standard Child Labor Law, prepared by the National Child Labor Committee, as a basis from which to build a Uniform Child Labor Law.

We then sent to employers of child labor, interested philanthropists, labor organizations, committees for the prevention of child labor, and others, copies of your Standard Child Labor Law, with a request for answers to the following questions:

1. What changes are needed in the enclosed act to make it suitable for adoption as a uniform child labor law?
2. What objections are there to the act in its present form?
3. What serious omissions, if any, are there in the act as framed?
4. What further provisions, if any, are needed to make the act more capable of enforcement?
5. What provisions are there in the act which may be deemed unreasonable?
6. What provisions, if any, are there in

the act which should be made more stringent? 7. Is it desirable to have a uniform child labor law in the different states, and if so, why? 8. What objections are there to having a uniform child labor law in the different states?

After receiving many replies from those believed to be hostile to child labor legislation, as well as those believed to be favorable, the committee prepared a tentative draft of a uniform child labor law, which was submitted to the officers of this honorable organization for criticism and suggestions, and further considered by the committee; whereupon a new draft of a uniform child labor law was prepared, and submitted to the annual conference of Commissioners at Chattanooga, last August. That is the law my committee, with some few alterations, will ask the Conference of Commissioners on Uniform State Laws, at its next annual meeting, in August, 1911, at Boston, to adopt and recommend to the American Bar Association for its approval; after which it will be sent to the legislatures of the several states, endorsed by the Conference of Commissioners on Uniform State Laws and the American Bar Association, for the purpose of enactment into law.

I am interested deeply in the high purpose of the work of the National Child Labor Committee, and so are the many delegates and representatives of child labor organizations here; in fact the people of the United States are aroused as they never were before. They are sick, tired and disgusted with the legislatures of some of the states appropriating thousands of dollars annually for the protection of hogs, cattle, oysters, etc., and not one cent for the protection of the children of the states, the most precious national resource.

I need not argue before this body the necessity for child labor legislation. Public sentiment throughout the nation has demanded such legislation, and this sentiment has been crystallized into law in every state in the Union, save one, I believe; but in no two states are these laws the same; and yet they ought to be, for you have the same subject to deal with, and practically under the same conditions. Such legislation works an injustice to the child, as well as to the employer of the child; hence the necessity for uniform laws.

The uniform law will prevent shiftless, impecunious and drifting parents from exploiting their children's labor; and the manufacturer from removing, or threatening to remove to another state

because of more favorable laws; and will be easier of enforcement because decisions of disputed questions in one state will be persuasive, if not a precedent, in another state.

It has been the purpose of the committee to prepare a sane and reasonable uniform law, embodying the best features of all the different state laws now in force on the subject; in other words, it was the object of the committee to present a law which any state could adopt without lowering its present standard.

It is the sense of the committee:

I. That it will not be as difficult to have this uniform law enacted—although it raises the standard of the several state laws now in force, changing them either in age limit, character of employment, hours of labor, enforcement, etc.—as it was in the beginning to secure the enactment of the existing child labor law. It is natural that we all want the best, and so you can appeal to state pride, which is a powerful stimulus, and in addition, plead the benefit that will accrue to the child in giving it a better chance in the world, and to the employer in more efficient labor, and at the same time put him on equal footing with his competitor in the other states.

II. That the larger manufacturers and more important industries employing child labor favor the increased age limit, no exemptions and a strict enforcement; all of which is good for the child; and so you will have the support of the large manufacturers for the uniform law.

III. That child labor is being lessened, and employers are in greater numbers recognizing the fact that the labor of children under fourteen, and even between fourteen and sixteen, is wrong on humanitarian grounds, and in many instances, not profitable to the employer; and these employers will favor the uniform law, because of its higher standard, the equality, and the increased efficiency of labor resultant.

IV. That many children under sixteen are at work because they desire this in preference to going to school, or in order to get some extra convenience or comfort, and not because of the necessities of the family; so it is the opinion of the committee that compulsory education is necessary, for the good of the child, the employer and the state.

V. That the earning capacity of a child who begins work after sixteen years of age very soon overtakes and surpasses the earning capacity of a child who begins work at fourteen years or under; and that in a few years the income of the family would be increased if the child be excluded from work under sixteen years of age. For this reason the uniform law should be favored by the parent and the employer.

The committee, being fully satisfied that the higher standard proposed by the uniform law prepared by the committee from the Conference of Commissioners on Uniform State Laws will work the greatest good to the child, the employer and the state, hopes that this organization, as well as others interested in child labor legislation, will unite in endorsing and urging the adoption of the uniform law, which law prohibits:

1. The labor of all children under the age of fourteen years in any business or service during any part of the term in which the local public schools are in session; and even when the schools are not in session in, about or in connection with any mill, factory, workshop, quarry, mercantile establishment, tenement-house, manufactory or workshop, store, business office, telegraph or telephone office, restaurant, bakery, hotel, barber shop, apartment house, bootblack stand or parlor, or in the distribution or transmission of merchandise or messages.

2. The employment of children under sixteen years of age at any occupation or position dangerous to life or limb, naming them, and they are many, and including any other employment declared by the State Board of Health to be dangerous to life or limb of children under the age of sixteen years.

3. The employment of children under sixteen years of age in any capacity in, about or in connection with work injurious to health or morals of such children, specifying the occupations or positions.

4. The employment of children under eighteen years of age, in, about or in connection with blast furnaces, docks, wharves, erection or repair of electric wires, running or managing elevators, lifts or hoisting machines, hazardous and dangerous machinery in motion, switch tending, gate tending, track repairing, brakemen, firemen, engineers, motormen, and other specified occupations and positions, and prohibits further any other employment

declared by the State Board of Health to be dangerous to lives or limbs or injurious to the health or morals of children under the age of eighteen years.

5. It provides that the State Board of Health may from time to time determine whether or not any particular trade, process of manufacture or occupation; or any particular method of carrying on such trade, process of manufacture or occupation, is sufficiently dangerous to the lives or limbs or injurious to the health or morals of minors under eighteen years of age employed therein to justify their exclusion; and may prohibit their employment therein.

6. It prohibits the employment of any person under twenty-one years as a messenger for a telegraph or messenger company before five o'clock in the morning or after ten in the evening; nor more than eight hours in any one day.

7. It prohibits the employment of boys under the age of sixteen years, and girls under the age of eighteen years between the hours of seven p. m. and seven a. m., or longer than eight hours in any twenty-four hours, or forty-eight hours in any one week.

8. It requires the child, before going to work, to satisfy an officer appointed by the school authorities that it is fourteen years of age and upward; is in good health, and has reached the normal development of a child of its age; is able to perform the work it intends to do; is able to read and legibly write simple sentences in the English language, and has attended school for a full term during the year next preceding going to work.

9. It requires the parent or some one *in loco parentis* to make oath as to the exact age of the child before allowing it to begin work, or produce a transcript of the record of birth or baptism or other religious record of the time and place of the birth of the child; and to produce a record of the child's school attendance signed by the principal of the school which the child attended.

10. It requires the employer, before allowing a child to go to work, to obtain and place on file, ready for official inspection, the school record of the child, properly filled out and signed; a duly attested transcript of the certificate of birth, baptism or other religious record, showing the date and place of birth of the child, or affidavit of the parent, guardian or custodian showing the date and place of birth of the child; and a statement of the proper official, appointed for that purpose, that he has examined the child and approved the papers.

11. After permitting the child to go to work, the employer is required to produce the foregoing records on demand of the school authorities, truant officer or factory inspector; and when the child ceases to work, the employer is required to restore the papers to it.

12. During the time a female child is at work, the employer is required to furnish suitable seats, and permit their use, so far as the nature of the work will allow.

13. The employer must post, and keep posted, in a conspicuous place, the hours of beginning work in the morning, stopping work at noon, resuming work in the afternoon, and stopping work at the close of the day; and all work done after the time stated in such notices constitutes a violation of the law. The total number of hours must not exceed eight a day, nor forty-eight a week.

14. The uniform law prohibits a male child under ten years and a female child under sixteen years from engaging in any street trade, and requires a permit and badge for a child working at any street trade; that the badge shall be worn conspicuously at all times when at work; that it shall expire annually on the first day of the year; and that the color of the badge shall be changed each year.

The uniform law has no exceptions or exemptions in favor of the child or employer, and provides reasonable penalties for the violation of its provisions.

It therefore has the advantage of all laws on the subject in having the best of each, and, in our judgment, is better and fairer to the child, to the employer of the child, and to the state.

And for these reasons we believe the uniform law will have the hearty support and co-operation of the people generally—in other words, the community—and so be effective; for we know (in the language of a report of the National Child Labor Committee), that “no law enforces itself, and no officers can enforce a law which depends on them alone. It is only when they are consciously the agents of the will of the people that they can make the law really protect the children effectively.” So we believe the uniform law is not only a better law, but easier of enforcement.